

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 2/13/18

THE CENTURY FOUNDATION,

Plaintiff,

v.

BETSY DEVOS *in her official capacity*, and
the UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

No. 18-cv-1128-PAC

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

Upon the declarations of Alexander Elson, counsel to plaintiff The Century Foundation ("TCF"), and Tariq Habash, sworn to the 13th day of February 2018, and the exhibits annexed thereto; the Complaint dated February 9, 2018, and the Memorandum of Law in Support of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction, dated February 13, 2018, and all pleadings and proceedings relevant to this action, and good and sufficient cause therefore, it is hereby:

ORDERED that Defendants Betsy DeVos and United States Department of Education shall show cause before this Court in Room 14C, 500 Pearl St., New York, New York, on February 15, 2018, at 11 o'clock in the AM ~~noon~~, or as soon thereafter as counsel can be heard, why an order should not be issued, pursuant to Federal Rule of Civil Procedure 65, preliminarily enjoining defendants during the pendency of this action from (1) enforcing February 16, 2018 as the end of the comment period, as noticed in a Solicitation published in the Federal Register on January 24, 2018 at 83 Fed. Reg. 3335; (2) continuing to withhold any and all non-exempt records necessary for TCF to submit comments in response to

the Defendant's January 24, 2018 Solicitation; (3) continuing to withhold any and all non-exempt records responsive to TCF's January 23, 2018 ACICS and ABA FOIA Requests, as identified in the Complaint; (4) closing the comment period announced in the January 24, 2018 Solicitation, 83 Fed. Reg. 3335, until 21 days after Plaintiff has received the documents to which it is entitled and which are necessary to inform Plaintiff's comments.

ORDERED that the bond requirement of Federal Rule Civil Procedure 65(c) is waived; and it is further

ORDERED that personal service of a copy of this Order to Show Cause together with the papers on which it is based, and the Summons and Complaint be served on or before the close of business, Wednesday, February 14, 2018 upon the defendants by complying with Federal Rule of Civil Procedure 4.1(i), shall be deemed good and sufficient service thereof.

Dated: 2/13/2018



U.S. District Judge